

**No. 17-71353**

IN THE  
**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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**NATIONAL LABOR RELATIONS BOARD,**

*Petitioner,*

and

**INTERNATIONAL UNION OF PAINTERS AND ALLIED  
TRADES, DISTRICT COUNCIL 15, LOCAL 159, AFL-CIO,**

*Intervenor,*

v.

**CAESARS ENTERTAINMENT D/B/A RIO ALL-SUITES HOTEL AND CASINO**

*Respondent.*

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ON APPLICATION FOR ENFORCEMENT OF AN ORDER OF  
THE NATIONAL LABOR RELATIONS BOARD  
CASE No. 28-CA-060841

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**UNOPPOSED MOTION TO EXTEND TIME  
FOR FILING RESPONDENT'S OPENING BRIEF**

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**ATTORNEYS FOR RESPONDENT**

**CAESARS ENTERTAINMENT D/B/A RIO ALL-SUITES HOTEL AND CASINO**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Ninth Circuit Rule 31-2.2(b), Respondent Caesars Entertainment d/b/a Rio All-Suites Hotel and Casino (“Respondent”) hereby moves for an extension of time within which to file its Opening Brief. Respondent’s Opening Brief is currently due on December 15, 2017. Respondent respectfully requests that the deadline for filing the brief be extended to and including January 2, 2018. Neither Petitioner, the National Labor Relations Board, nor Intervenor, International Union of Painters and Allied Trades, District Council 15, Local 159, AFL CIO, opposes this request for an extension of time.

This is Respondent’s first request for an extension of time to file its Opening Brief under the Court’s Order issued on November 14, 2017. Respondent’s Opening Brief originally was due on July 31, 2017. Under the original briefing schedule, Respondent received a streamlined extension of thirty days and filed a motion to dismiss for lack of jurisdiction in the interim. Under the Court’s Order of November 14, 2017, Respondent’s motion to dismiss for lack of jurisdiction was denied without prejudice to renewing the arguments in the answering brief. In the same Order, the Court set a new briefing schedule, and assigned a due date of December 15, 2017 for Respondent’s Opening Brief.

This extension is necessary due to pre-arranged holiday and end-of-the-year travel plans and of the press of other matters that counsel for Respondent currently have pending. Respondent has been working diligently on its Opening Brief, but

the complexity of the issues presented, combined with unforeseen litigation obligations that arose during the last month (at the time that the Court's Order of November 14, 2017 was issued), will prevent counsel from completing the Opening Brief in the time allotted under the Court's current scheduling order.

This motion is made in good faith and not for the purpose of delay. The additional time requested will allow Respondent to complete and file the Opening Brief on or before January 2, 2018, which extends the briefing schedule by fewer than thirty days. The court reporter is not in default with regard to any designated transcripts. Accordingly, for the reasons stated herein, Respondent respectfully requests that this motion be granted and that the due date for filing its response brief be extended to and including January 2, 2018.

Respectfully submitted,

/s/ Lawrence D. Levien

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Dated: December 5, 2017

*Counsel for Caesars Entertainment d/b/a  
Rio All-Suites Hotel and Casino*

9th Circuit Case Number(s) 17-71353

**NOTE:** To secure your input, you should print the filled-in form to PDF (File > Print > *PDF Printer/Creator*).

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Signature (use "s/" format) s/ Lawrence D. Levien

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